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GOVERNMENT OF INDIA
MINISTRY OF LABOUR
NOTIFICATION

New Delhi the 8th September 1949.

No. LR.2(203). -In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to publish the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the workmen of the Jamadoba and Malkera Collieries of the Tata Iron and Steel Company Limited and their management.

Reference No. 2 of 1949

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

IN THE MATTER OF AN INDUSTRIAL DISPUTE BETWEEN THE WORKMEN OF JAMADOBA AND MALKERA COLLIERIES OF THE TATA IRON AND STEEL COMPANY LIMITED AND THEIR MANAGEMENT.

PRESENT -

Shri S. P. Varna, Barrister-at-Law, Chairman, Central Government Industrial Tribunal, Dhanbad.

For the Collieries: Shri K. B. Bose, Barrister-at-Law.

For the Workmen: Mr. M. John, represented the Jamadoba Colliery Khalasis with Shri Shiv Kahi Bose, and Shri Kanti Mehta.

Shri B. N. Sharma, General Secretary, The Tata's Collieries Labour Association, Jamadoba, P.O. Jealgora, represented the Khalasis of Malkera Colliery.

AWARD

This dispute which has been referred to the Central Government Industrial Tribunal at Dhanbad by a Notification of the Government of India, Ministry of Labour, No. LR-2(203) dated 30th March 1949 concerns the Jamadoba and Malkera collieries of the Tata Iron and Steel Company Limited and their respective workmen. The single point which has been referred to this Tribunal is in the following terms:

"Whereas the question of wages of Khalasis has, so far as the Central Government is aware, been raised on behalf of the workmen,

And whereas the Central Government considers it desirable to refer the dispute for adjudication,

Now, therefore in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal at Dhanbad constituted under Section 7 of the said Act."

2 The collieries of Jamadoba and Malkera were represented by their counsel Shri K. B. Bose, Barrister-at-Law, and Shri B. K. Mitra, Advocate, Mr. John represented the Khalasis of Jamadoba and Shri Sharma the Khalasis of Malkera colliery.

3 The Khalasis of Jamadoba were represented by Mr. John belonging to one political group and the Khalasis of Malkera were represented by Shri B. N. Sharma, belonging to another political group. The names of the Khalasis whom the respective political group represent will appear from their letters of authority submitted by the two groups. The distance between Malkera and Jamadoba is about 18 miles.

4. The usual notices were served on the parties on 27th April 1949. The representative of the Khalasis of Jamadoba Colliery submitted their statement of claim on 1st June 1949 and the representative of the Khalasis of the Malkera Colliery also submitted their statement on the same date. The statements by the management of Jamadoba and Malkera Collieries of Tata Iron and Steel Company Limited were submitted by Shri S. C. Ghosh, Superintendent of Collieries, The Tata Iron and Steel Company Limited on 22nd June 1949.

5 The following witnesses were examined on behalf of the employers Shri Ghosh, Superintendent of Collieries, The Tata Iron and Steel Company Limited; Mr. Engineer, Deputy Superintendent of Collieries, the Tata Iron and Steel Company Limited, and Shri T. P. Chidambar, the Chief Personnel Officer, Indian Mining Association. A certain number of exhibits were filed and accepted by both the employers as well as the representatives of the employees. In order to understand some points raised regarding the working I visited Jamadoba Colliery as well as the Malkera Colliery on the 6th and 7th July 1949, respectively.

6. The case for the Union at Jamadoba is to be found in the statement filed on behalf of the Khalasis by Shri Shiv Kah Bose. Their case is that the Khalasis working in the steam haulage were paid As. 11/9 per day in 1933. After that new recruitment was being done at As. 10 and As. 10/6 per day for the same job. During the period from June to August 1947 all these steam engines in Jamadoba Colliery were converted into electric driven engines. The workers working in the steam engines were now asked to work in these new electric driven engines and they demanded the rate of Re. 1 per day that was prevalent in the electric engines. The company refused this demand of the workers who were getting less than Re. 1 per day to have their wages raised to Re. 1 per day. A 14 days strike notice was given for the 13th and 14th September was finally settled. The Labour Inspector went to Jamadoba in October 1948 but as the management did not accept the recommendations of the Conciliation Officer, the matter was then referred to the Government of India, who in turn referred this matter to this Tribunal. This memorandum disposes of the case of Malkera workers by saying that the history of the Haulage Khalasis there was more or less similar.

The statement of the Tata's Collieries Labour Association of Malkera emphasises the point that similar work should fetch similar wages.

7. The case for the employers is that before 1947 they had steam and electric haulages in No. 4 incline mine, at Jamadoba Colliery drawing mine cars of 2½ tons capacity. There were also steam haulages drawing coal tubs of 14 cwt. capacity in other mines of Jamadoba Colliery. The Khalasis operating electric haulages were paid Re. 1 per day each. The Khalasis of steam haulages drawing mine cars were paid at a lower rate. But they were paid a rate higher than that paid to Khalasis working on steam haulages drawing coal tubs. In 1947 the steam haulages drawing coal tubs were converted into electric haulages. The Khalasis were paid the rates as existed for the electric

haulage Khalasis of coal tubs as in other mines of Jamadoba. They emphasise the fact that the work of the Khalasis working on haulages of coal tubs does not require the same responsibility as in the electric haulages system drawing mine cars and so it is less onerous. In reply to the allegation in the workmen's memorandum that the company was making large profits the management in their statement point out that they do not sell coal in the open market but supply their entire output to their steel works in Jamshedpur. They resist the suggestion that the work of the Khalasis attending the electric haulage engines has increased in every way. They also submit that the Haulage Khalasis who were paid Re. 1 per day are being paid this higher rate not because they are simply working on electric haulages but because they work on very heavy engines and do more hazardous work. They also contend that the wages paid in Malke to the Haulage Khalasis is quite fair and reasonable. It appears from the Appendix 'A' attached to the statement of the management that Haulage Khalasis drawing mine cars in 4 Incline mine at Jamadoba working under steam haulage were getting As. 11/9 basic per day, and Steam Haulage Khalasis drawing coal tubs were getting As. 10 or As. 10/6 basic per day. In the case of electric haulages, Haulage Khalasis drawing mine cars in 4 incline at Jamadoba were getting the same Re. 1 per day and the same Rs. 30 per month basic.

8. From the contention of the parties it appears clearly that the claim of the workers who were handling electric haulage machines and other haulage machines is that their remuneration should be equal to the remuneration of the persons who were getting Re. 1 or more on the ground that their work is similar to the work of those persons. I have gone through the evidence of the persons examined on behalf of the company and I have also inspected the two collieries at Jamadoba and Malkera. I am inclined to think that the persons who work over the electric haulage of mine cars are doing a kind of work which is much more intricate and responsible than those of the people who are working over electric haulage of coal tubs. At one stage it was seriously urged at any rate, apparently, that the work of the Khalasis in charge of electric machines used for haulage of coal tubs is more strenuous than the work of khalasis who are in charge of the mine cars. The argument was that whereas in the case of mine cars the distance that the cars have to travel is fixed in the case of the former the distance is not fixed. Therefore the man in charge in the former type of machinery has to be constantly on the alert. But this argument loses sight of the fact that there is an indicator which points the distance which the coal tub has travelled. Moreover, looking at the two types of machinery, those which are used for the haulage of mine cars are certainly more intricate than those that are used for the haulage of coal tubs. In fact, it has been said that, on certain occasions, people in charge of the haulage of coal tubs by electricity were tried on mine cars but they did not prove successful. So there is not much force in the argument that the work of the men who are in charge of electric haulage of coal tubs is of the same type as that of the persons in charge of the electric haulage of mine cars. If wages are to depend on the responsibilities and strenuousness of the work and also on the amount of preparation required to carry on the work, I am of the opinion that the persons in charge of the electric haulage of coal tubs cannot claim the same wages that are given to the workmen who are in charge of the mine cars.

9. The question now arises as to what should be the wages of persons who are in charge of the electric haulages of coal tubs. Now taking the case of persons in charge of coal tubs in Jamadoba, I find that there are different rates prevailing with regard to the wages of persons engaged there, the rates being As. 11/9, As. 10 and As. 10/6. How this difference has arisen in case

of wages of workmen in charge of coal tubs has not been satisfactorily explained. Now the question is what is the amount that they should get. Whether the present rate should continue or are they entitled to something more.

10 From the Appendix 'A' of the memorandum filed by the management it appears that in the case of the Steam Haulages Haulage Khalasis drawing mine cars were getting As. 11/9 basic per day. Whereas in the case of electric haulages, Haulage Khalasis drawing mine cars were getting Re. 1 per day basic and Rs. 30 per month basic. So there is a difference between the persons working on electric haulages and steam haulages according to the information supplied by the management itself. They seem at least in this instance to put a higher value on the work done by persons in charge of electric haulages than that of the work of the persons connected with steam haulages. In the case of workers on coal tubs under the electric haulage system I think they should get something more than what they were getting as Haulage Khalasis when steam haulages were in use on coal tubs. Moreover, the difference in the wages of the various khalasis seems to be anomalous. In Jamadoba they are getting As. 10/-, As. 10/6 or As. 11/9 as their basic per day. I would therefore on the ground of uniformity in wages as well as of the more skilled type of work that is being done, raise the wages of Jamadoba Khalasis in charge of the coal tubs to As. 12/- per day as their basic wage.

11 Coming now to the case of Malkera, the electric haulage has been in existence for a pretty long time and the workmen in charge of the electric haulage system have been getting the same wages for a pretty long time. But Malkera is under the same proprietors and there should be uniformity between the wages in one colliery and the other which are under the same proprietors specially when the dispute has arisen on account of the disparity of wages existing between those persons getting one rupee or more and those getting less. On behalf of the management it was urged that any change in the wage structure will have repercussions in the coal industry, in this area. But I am dealing with the particular case in hand and I am giving my award on the facts and materials placed before me. I am of the opinion that the wages of the Malkera workmen on electric haulages of coal tubs who are getting eleven annas basic per day should get the same wages as I have fixed in Jamadoba.

12 Before I conclude I must say that people who are getting more than As. 12/- basic per day, if any, should not be reduced to As. 12 and this award deals with the case of khalasis engaged in electric haulages on coal tubs only. I am not touching the rates given to others because their work is of a much lighter type. It is true that in some cases increments are more than in the case of others. But then it must be remembered that in those cases in which the increment has not been as high have been drawing higher rate of wages for a long time.

13 The rates that are given in this award will come into effect from the date of the publication of the award. The people who have not drawn their pay may now draw their arrears at the rate prevalent before the publication of the award.

S. P. VARMA,
Chairman, Central Government
Industrial Tribunal Dhanbad,
19-8-49

N. C. KUPPUSWAMI, Under Secy.